

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

2019 MAY 22 AM 10:53

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY DEPUTY

CLARK MCCARTHY HEALTHCARE §
PARTNERS II, §
INTERPLEADER-PLAINTIFF, §

CAUSE NO. 1:19-CV-449-LY

V.

W&W-AFCO STEEL, LLC, AS §
 SUCCESSOR IN INTEREST TO §
 HIRSCHFELD STEEL GROUP, LP; §
 HIRSCHFELD STEEL GROUP; AND §
 MIDWEST STEEL, INC., §
 INTERPLEADER-DEFENDANTS. §

ORDER

Before the court are (1) Midwest Steel, Inc.’s Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(1) filed May 13, 2019 (Doc. #13) and (2) Clark McCarthy Healthcare Partners II’s Motion to Vacate Order filed May 16, 2019 (Doc. #20), along with Midwest Steel, Inc.’s Response in Opposition to Clark McCarthy Healthcare Partners II’s Motion to Vacate Order filed May 20, 2019 (Doc. #21).


Having considered the motions and response, and noting that the claims at issue in this case are part of the claims that Defendant Midwest Steel, Inc. is pursuing in *United States of America for the Use and Benefit of Midwest Steel, Inc. v. Clark McCarthy Healthcare Partners II, et al.*, Cause No. 3:19-CV-130, in the El Paso Division of the Western District of Texas, the court finds that all issues in this case should be determined by the El Paso Division of this court. Therefore,

IT IS ORDERED that Clark McCarthy Healthcare Partners II's Motion to Vacate Order filed May 16, 2019 (Doc. #20) is **GRANTED TO THE FOLLOWING EXTENT**: the Order of the court rendered May 14, 2019 (Doc. #19) is **VACATED**.

IT IS FURTHER ORDERED that Midwest Steel, Inc.'s Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(1) filed May 13, 2019 (Doc. #13) is **DISMISSED WITHOUT PREJUDICE**.

IT IS FINALLY ORDERED that this cause is **TRANSFERRED** to the United States District Court for the Western District of Texas, El Paso Division.

SIGNED this 22nd day of May, 2019.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE